

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES,	:	
	:	
v.	:	Case No.: 1:22-cr-00154 (LMB)
	:	
TARRY WILSON	:	
	:	
Defendant.	:	

NOTICE REGARDING COMPETENCY

Pursuant to the Court’s October 21, 2022 Order, Mr. Wilson has been evaluated for competency to stand trial. Undersigned counsel has been in communication with the evaluator, Dr. McWilliams, who has completed his assessment of Mr. Wilson but has been delayed in finalizing his report of the evaluation. Dr. McWilliams has advised counsel that the report will be completed today, Wednesday, November 23, 2022, and that it will explain that Mr. Wilson is unrestorably incompetent to stand trial “as the deficits he displays are not correctable (or addressable) via any means of treatment and cannot, at this point in time, be expected to remit naturally.”¹

Undersigned counsel concurs with Dr. McWilliams that Mr. Wilson is presently incompetent and unlikely to be restorable given his traumatic brain injury

¹ Nov. 22, 2022 email from Dr. McWilliams to undersigned counsel.

and seizure disorder, and his resultant limitations in speech, language comprehension, and short-term memory. Counsel for the Government has advised that, if the evaluator's report reaches the conclusion that Mr. Wilson is incompetent, the Government will not contest such a finding and would not oppose an order of the Court to commit the defendant to the custody of the Attorney General under 18 U.S.C. § 4241(d). Mr. Wilson will argue that any placement in a facility for restoration be delayed until a bed becomes available, and that Mr. Wilson be permitted to remain on pre-trial supervision in the community while awaiting placement.

Pursuant to the Court's November 21, 2022 Order, the parties will file memoranda by close of business November 25, 2022, and will be prepared to present their positions to the Court on November 28, 2022, or as soon thereafter as counsel may be heard. Dr. McWilliams has advised that he can testify remotely on November 28th as needed and that he will be available to speak with undersigned counsel and counsel for the Government in advance of Monday's hearing. The competency report will be filed as soon as it is available.

The Government has also advised that a hearing on November 28th may be helpful to discuss the impact that the competency determination would have on the trial scheduled for December 6, 2022, as counsel for a co-defendant reiterated to the

Government yesterday that he intended to notice for November 28th a motion to continue the trial date because of issues particular to his client.

Respectfully submitted,

Tarry Wilson, *by counsel*

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November, 2022, I will electronically file the foregoing Motion with the Clerk of Court using the CM/ECF system, which will provide service to all parties.

/s/
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